

## **.45 Watershed**

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN - STEP 1  
ACTIVITY OBJECTIVES

Name (MFP)	Paradise-Denio
Activity	Watershed
Objective Number	W-1

Objective:

Preservation and improvement of quality water necessary to support current and future land uses.

Rationale:

Most activities on the land require water for their existence. Much of the water within the planning area falls initially on public lands and then flows over the surface or percolates underground to users at lower elevations. If this water is not maintained in a high quality state it may become unusable by downstream users. Consequently it is important that Bureau activities do not significantly degrade water quality where quality is high and if possible improve quality where low. According to Executive Order 12088 issued October 13, 1978, it is the responsibility of all Federal agencies to ensure that all necessary actions are taken for the prevention, control and abatement of environmental pollution with respect to Federal facilities and activities under control of the agency. Section 208 of the Federal Water Pollution Control Act (Clean Water Act) of 1972 establishes the state and local governments as the controls on non-point source pollution. The Nevada Water Pollution Control Regulations of February 1978 establish water quality standards which must be maintained in Nevada. On the basis of a limited water quality inventory done on selected waters in the planning area in 1977, the majority of the waters are in compliance with the established standards. However, more complete inventory is needed to adequately assess the degree of compliance with the Nevada regulations.

UNITED STATES  
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MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 1.1

Overlay Reference

Step 1

Step 3

Recommendation: W-1.1

MFP 1

Prevent Bureau and Bureau authorized activities from degrading water quality beyond established standards as specified in the Nevada Water Pollution Control Regulations of 1978. Reduce the pH in the South Fork of the Little Humboldt River (Humboldt Co. portion) from 9.3 to 8.5 and in the Quinn River from 9.3 to 8.5.

Employ feasible Best Management Practices as outlined in the Handbook of Best Management Practices, State of Nevada, in all public land activities.

Rationale:

The Federal Water Pollution Control Act of 1972 establishes the states and local governments as the controls on non-point pollution, the class of pollution most likely to be generated by Bureau and Bureau authorized activities. The State of Nevada enacted the Nevada Water Pollution Control Regulations in February 1978 which establishes standards for water quality in the state. It is the Bureau's responsibility to abide by the state's quality standards and prevent degradation of water quality as a result of Bureau and Bureau authorized actions. Best Management Practices can be employed to minimize pollution by surface disturbing actions.

Based on extremely limited sampling, two waters were identified as exceeding the prescribed standards. All others sampled were in compliance. However, additional sampling is required to establish average levels.

The recommendation may not be totally feasible in situations where natural conditions not influenced by man's activities cause the water to be outside the quality standards, or where activities outside the jurisdiction of BLM, such as activities on private lands, degrade water quality. Then it is the Bureau's responsibility to prevent further degradation of that water.

Support:

All resource activities must sufficiently monitor their actions to determine their contribution to water pollution. Actions should be modified if determined to be significant contributors.

Multiple Use Recommendation

Use Best Management Practices (State of Nevada) to minimize pollution by surface disturbing activities.

Continue to expand water quality monitoring of water bodies in the resource area.

Rationale

Virtually all the lands as through which the South Fork of the Little Humboldt and the Quinn River flow are in private ownership. The only effective way the Bureau can aid the water quality in those streams and several others in the resource area is to use Best Management Practices to minimize pollution by surface disturbing activities in their watersheds and tributaries to meet standards as specified in Nevada Water Pollution Control Regulations of 1978.

With the use of water quality/pollution monitoring the Bureau can establish trend and identify particular troublesome waters to aid in identifying what the pollution source or problem is so that corrective action can be taken.

Support

Water quality/ pollution monitoring  
All specialists  
Operations

Time Frame and Funding Requirements (Manpower)

FY 82 and annually thereafter, \$10,000 for water quality contract.

DISTRICT MANAGER'S DECISION

Prevent Bureau and Bureau-authorized activities from degrading water quality beyond established standards as specified in the Nevada Water Pollution Control Regulations of 1978 and the Memorandum of Understanding of December 1980 between BLM and the State of Nevada, Division of Environmental Protection, concerning diffuse source water pollution and the Nevada State 208 Water Quality Plan.

Employ feasible Best Management Practices as outlined in the Handbook of Best Management Practices, State of Nevada, in all public land activities (providing the BMPs do not conflict with BLM policy and procedures).

Rationale

Water is an integral and necessary part of all resource activity requirements.

The legal right to water must be pursued in order to gain legal title to the needed quantities.

Demands upon existing waters on public lands will increase. The Bureau must insure that needed quantities are acquired by appropriation, purchase, or by other appropriate direction.

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ACTIVITY OBJECTIVES

Name (MFP)

Paradise-Denio

Activity

Watershed

Objective Number

W-2

Objective:

Provision of adequate water to support public land uses.

Rationale:

Most activities on the land require water for their existence. Section .35 Water Resources of the Paradise and Denio URAs identifies 8209.9 acre feet of water required for the consumptive uses on the public lands, and 40.6 cubic feet per second (CFS) and 6539 acre feet for nonconsumptive uses. These uses include amounts for livestock, wildlife, wild horses and aquatic habitat. Points of use are streams, springs, reservoirs and lakes scattered over the planning area. Presently only .0561 CFS is guaranteed to the public in the form of a certificate of water right issued by the State of Nevada. The Bureau has been advised by its Washington Office to continue to file for and seek title to water it considered necessary to support programs it administers.

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MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 2.1

Overlay Reference

Step 1

Step 3

Recommendation: W-2.1

MFP 1

Appropriate sufficient water on public lands through permit, adjudication or purchase processes as provided by State Water Law or other appropriate direction to support the uses of the public lands for wild horses, wildlife, aquatic habitat, livestock, and recreation.

Rationale:

The Federal Land Policy and Management Act of 1976 (Sec. 102[a][8]) establishes that the public lands will be managed in a manner that . . . provide food and habitat for fish and wildlife and domestic animals . . . outdoor recreation and human occupancy and use. Section .45 Watershed of the Paradise and Denio URAs identifies only a small fraction of the water considered necessary to support uses of the public lands to actually be granted the public through a water right. The right to water must be actively pursued in order to gain legal title to the needed quantities. Accurate quantification of the water outputs and needs are not available and requires additional inventory.

Because of the state's doctrine of prior appropriation, much of the water has been previously granted to private interests and may not be available for public needs. Therefore it may not be technically feasible to secure all water considered necessary to support the public uses.

Support:

Support will be necessary from all activities to document water needs and areas of need.

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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 2.1

Overlay Reference

Step 1

Step 3

W 2.1

Multiple Use Analysis

No conflicts

Complements:

Range 1.10 Provide an adequate quantity and quality of water sufficient to maintain livestock requirements by notification to State Water Engineer, adjudication and purchase of water rights.

Wild Horse and Burros 1.4 Appropriate waters for wild horse and burro use according to Nevada State Water Law.

Wildlife 1.24 Provide an adequate quantity and quality of water sufficient to maintain wildlife and wildlife habitat by notification to State Water Engineer, adjudication and purchase of water rights.

Wildlife Aquatic 1.15 Apply to the State of Nevada for unappropriated stream waters in the resource area.

Recreation 2.11 Appropriate water for recreation purposes on public lands.

The acquisition of water rights through State Water Law is necessary to provide for all users and uses on the public lands.

Multiple-Use Recommendations

Reasons

1. Accept the recommendation.

1. The Bureau must protect its developments and resource programs on the public lands.

2. No water developments will be authorized, funded or constructed on public lands unless a water right is acquired.

Support

All specialists  
Water right filings and surveys

Time Frame and Funding Requirements (Manpower)

FY 82-86 - A five-year program of filing and surveying waters within the district has been proposed.

Note: Attach additional sheets, if needed

Instructions on reverse

Form 1600-21 (April 1975)

MFP II

DISTRICT MANAGER'S DECISION

Appropriate sufficient water on public lands through permit, adjudication, or purchase processes as provided by Federal and State Water Law or other appropriate direction to support the uses of the public lands for wild horses, wildlife, aquatic habitat, livestock, and recreation.

Rationale

Water is an integral and necessary part of all resource activity requirements.

The legal right to water must be pursued in order to gain legal title to the needed quantities.

Demands upon existing waters on public lands will increase. The Bureau must insure that needed quantities of acquired by appropriation, purchase, or by other appropriate direction.<sup>X2</sup>



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MANAGEMENT FRAMEWORK PLAN - STEP 1  
ACTIVITY OBJECTIVES

Name (MFP)

Paradise-Denio

Activity

Watershed

Objective Number

W-3

Objective:

Reduction of soil loss and associated flood and sediment damage from public lands caused by accelerated erosion (man-induced) from wind and water.

Rationale:

.45 Watershed of the Paradise and Denio URAs identifies only 340,194 acres of the area inventoried or 8.6% as presently being in stable erosion condition. The remaining acres are in other stages of erosion ranging from slight to severe. Under the same land use and management intensity in 15 years the stable acres is predicted to be 315,745 acres or 8.1% . This represents a deteriorating trend if land use is not changed. Causes of this situation are attributed to activities of man which reduce or remove vegetative cover such as, by overutilization of the vegetative cover by livestock, disturbance of cover by mineral exploration and extraction and off road vehicle activity. Soil loss has many adverse impacts associated with it. Among these are loss of fertile top soil and productivity, degradation of water and air quality, damage to public and private developments such as fences, roads and agricultural lands, and damage to riparian and wetland habitat. Studies show that the maintenance of 70% ground cover (including vegetation, little and small rock) will eliminate accelerated erosion.

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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.1

Overlay Reference

Step 1

Step 3

Recommendation: W-3.1

MFP I

Reduce or eliminate accelerated (man-induced) erosion throughout the planning area by increasing ground cover to at least 70% through the use of grazing management and wild horse herd management plans.

Rationale:

As stated in .45 Watershed of the Denio and Paradise URAs research studies show that when 70% of the ground is covered by a combination of vegetation, litter and small rock accelerated erosion will be eliminated.

Due to harsh climate in certain areas of the planning area, it may be impossible to reach the 70% ground cover value. In this situation an adjustment to a realistic goal must be made.

Support:

Support is necessary from range to utilize this recommendation as a constraint in development of allotment management plans and herd management plans.

MFP I I  
Multiple Use Recommendation

Reduce or eliminate accelerated (man-induced) erosion throughout the planning area by increasing ground cover to at least 70% through the use of grazing management and wild horse herd management plans.

Rationale

The recommendation is in accord with the Bureau's land management programs.

Multiple Use Recommendation

Conduct a soil survey.

Rationale

A soil survey would complement land disposals and is necessary to determine the erosion susceptibility and feasibility of land treatments in the resource area.

Support

All resource specialists  
Operations  
Fire Management  
Soil Survey  
Water rights and survey  
Palomino Facility and crew

Time Frame and Funding Requirements (Manpower)

FY 82-87 Soil survey 800,000 acres annually, 40 workmonths \$40,000.

MFP III  
DISTRICT MANAGER'S DECISION

Reject the recommendation.

Rationale

The goals to be reached for ground cover should be established for each allotment using the range site descriptions as a guide and through the CRMP process. To establish a 70% ground cover goal for every allotment is not consistent with range site potential. This can be strived for without an MFP decision. A MFP decision is not required to conduct a soil survey.

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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.2

Overlay Reference

Step 1

Step 3

Recommendation: W-3.2

MFP 1

Reduce erosion and soil loss through improvement of vigor or vegetation cover by limiting its use by livestock, wild horses and/or wildlife to proper use levels as recommended in the Proper Use Tables, referred to in NSO Memorandum 76-167 and used in conjunction with the 1978 range survey.

Rationale:

Vegetation is the major force tending to hold soil in place and retard erosion. Only 8.6% of the planning area is presently considered to be in stable erosion condition. Overutilization of vegetative cover by livestock, wild horses and/or wildlife is a major factor contributing to the deteriorated erosion condition. By limiting utilization of the vegetation to proper use levels, vigor may be maintained and plants will be able to adequately perform their soil stabilizing function.

The assumption is made that adequate vigor can be maintained by grazing at proper use levels.

Support:

Support is required from range, wild horses and wildlife in reduction of utilization to proper use levels.

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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.2

Overlay Reference

Step 1

Step 3

W 3.2

Multiple Use Analysis

No conflicts

Complements

Forestry 1.1 Adjust utilization to proper use factors (NSO 76-167).

Range 1.1 Determine the initial stocking rate of each allotment from the 1978 range survey and adjust the stocking rate accordingly.

Range 1.5 Establish period of use for each allotment and base management on the physiological requirements of the key species. Utilization of key species should not exceed the proper use factor.

Wildlife 1.6 Reduce livestock and wild horses to bring livestock, wild horses and full reasonable number forage demands in line with the proper carrying capacity on the range.

- Only 8.6% of the resource area is considered to be in a stable erosion condition. A stable and fertile soil mantle is paramount to increasing a proper vegetative cover.

Multiple Use Recommendations

Reasons

1. Accept the recommendation.

1. The most important factor in public land management is the protection of the soil mantle, when it deteriorates all resource values also deteriorate.

MFP II

Support

Range  
Soil Survey  
All Specialists  
Operations

Time Frame and Funding Requirements (Manpower)

FY 82-87 Soil survey 800,000 acres annually, 40 workmonths \$40,000.

MEP III  
DISTRICT MANAGER'S DECISION

Reject the recommendation.

Rationale

Use levels established in I.M. 76-167 will be established as objectives and discussed in the CRMP process. As a result of the CRMP process these levels may vary from the proper use tables in NSO memo 76-167 when other resources are adequately considered.

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Name (MFP)

Paradise-Denio

Activity

Watershed 3.3

Overlay Reference

Step 1

Step 3

Recommendation: W-3.3

MFP I

Eliminate all surface disturbing activities from (a) 22,860 acres identified as having a deteriorating erosion trend (areas anticipated to increase in soil surface factor by 10 or more points in 15 years) and (b) 173,446 acres presently in critical or severe erosion condition (soil surface factor of more than 60). Elimination of surface disturbing activities should continue until followup study indicates that SSF will increase by a factor of less than 10 in 15 years or that the SSF is reduced below 61.

Rationale:

Section .45 Watershed of the Denio and Paradise URAs identified areas which have a deteriorating trend in erosion condition. Other areas are in a critical or severe erosion condition. Each classification represents locations which if not protected will continue highly accelerated soil erosion. Due to the sensitivity of these locations, surface disturbing activities which loosen the soil and/or adversely impact vegetation must be eliminated wherever possible until such time as conditions improve to a level that surface disturbing activities may continue.

An alternative which was considered involves the elimination of long-term surface disturbance such as associated with mining; but allows the continued foraging by livestock, wild horses and wildlife provided that the subject areas are deferred from grazing from April 1 to July 15 (or to the seed ripe date for the key perennial grass as established in the grazing system covering the subject areas). The spring deferrment would provide maximum opportunity for improved vigor and reproduction of the vegetative cover. This alternative was selected because it would allow some surface disturbance by foraging animals to continue in these sensitive areas. Also litter deposition would be reduced since some of the plant material would be consumed and removed from the sites.

Support:

Mining, Range, Wild Horses and Wildlife activities should eliminate use of these areas. Wildfire occurring in these areas should be actively suppressed to minimize destruction of vegetative cover. Use of heavy equipment in blading of fire lines should not be employed.

Multiple Use Recommendation

Eliminate all surface disturbing activities and land treatments which would significantly reduce (by 50% or more) the amount of vegetative cover in areas identified as having a deteriorating erosion trend (SSF to increase by 10 or more points in 15 years), presently in critical or severe erosion condition (SSF greater than 60), having a high erosion susceptibility or high vegetal soil factor.

Rationale

Each classification represents areas which if not protected will continue highly accelerated soil erosion. These areas are extremely sensitive to any development. These areas should be protected and proper watershed management practices used to stabilize the soil.

Multiple Use Recommendation

Conduct a soil survey for the Resource Area.

Rationale

A soil survey will help to identify and provide the manager with information on what soils need special consideration so management practices can begin or adjusted to reduce erosion.

Support

All Specialists  
Operations  
Soil Survey

Time Frame and Funding Requirements (Manpower)

FY 82-87 Soil Survey 800,000 acres annually, 40 workmonths \$40,000

DISTRICT MANAGER'S DECISION

Reject the recommendation.

Rationale

Soil Surface Factors in the planning area are presently based upon ten year old data that was collected on a broad scale basis.

High SSF if based on current adequate data can be used in management decisions, however, existing data is not adequate enough to justify elimination of all surface disturbing activities.



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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed

Overlay Reference

Step 1 W-1 Step 3

Recommendation: W-3.4

MFP 1

Retain public lands which lie within 100-year floodplains in public ownership. Minimize development within the 100-year floodplain boundary.

Rationale:

Whenever improvements are constructed within areas susceptible to flood inundation, the risk is present that such improvements may be damaged by subsequent flooding. Bureau policy provides that (1) direct or indirect support of floodplain development must be avoided wherever there is a practicable alternative, (2) the long- and short-term adverse impacts on natural and beneficial functions associated with the use and modification of floodplains must be avoided, to the extent possible, and (3) public lands . . . within base floodplains (100-year) must be retained under BLM administration except, (a) if parties have demonstrated the ability to maintain, restore, and protect the floodplain on a continuous basis and (b) if transfer is mandated by legislation or Presidential Order.

Data on 100-year floodplains is completely lacking. The flood-prone area boundaries shown on the Overlay represent areas which are assumed to be prone to flooding and may or may not reflect the 100-year floodplain.

Support:

Additional study and inventory should be undertaken to define the 100-year boundary should a land disposal within the flood-prone area be proposed.

Support for this recommendation is from lands to assure that these lands are not transferred from public ownership.

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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

~~Paradise-Denio~~  
Activity

~~Watershed 3.4~~  
Overlay Reference

Step 1

Step 3

W 3.4

Multiple Use Analysis

Presently this data is totally lacking. Before restrictions are placed on public lands and resource management, this data must be acquired. The use of this data will aid management in making decisions and offer more insight into land disposals.

Multiple Use Recommendations

Reasons

MFP II

1. Accept the recommendation pending the completion of the 100 year flood plain boundaries inventory.

2. Land disposal with certain deed restrictions and activities with the addition of stipulation that make the project compatible with the flood plain should be permitted.

1. Floods are very costly and damaging to both property and life. Land disposals, Bureau projects and Bureau-authorized activities must be developed away from the flood plains or be compatible with the flood plain. The recommendation to include deed restrictions is consistent with Executive Order 11988. Certain land uses such as agriculture may be compatible with the natural flood plain functions and should be permitted within the 100 year flood plain provided that human health and safety are protected.

Support

Flood plain inventory  
All Specialists

Time Frame and Funding Requirements

FY 82 Conduct inventory on an as needed basis in conjunction with pending lands actions; 3 WMS \$5,000 annually; hydrologist

DISTRICT MANAGER'S DECISION

Reject the recommendation.

Rationale

The 100-year floodplain shown on the Watershed MFP I Overlays was based upon inadequate data. It is stated in the rationale that information on the 100-year floodplain for the Humboldt River is completely lacking. Assumed flood-prone boundaries which may or may not reflect the 100-year floodplain is shown on the overlays.

Disposal recommendations within this flood-prone area will consider the implication of disposal as it is related to potential flooding. Disposals that would lead to potential high flood damaging situations will be disallowed.

*Mulliney, C. R.*

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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.5

Overlay Reference

Step 1

Step 3

Recommendation: W-3.5

MFP :

Reduce flood and sediment damage which is sustained by roads and trails through an active maintenance program employing the use of redesign, blading, graveling, water barring, spur ditching and/or installing of culverts.

Rationale:

As stated in .45 Watershed section of the Paradise and Denio URAs, improper design and/or maintenance of roads has contributed to deterioration of watershed conditions. Road surfaces are normally bare of vegetation, highly compacted and resistant to infiltration. Much of the precipitation roads receive, therefore, runs off. Without water bars, culverts, spur ditches, graveling or blading to divert the runoff water from the roadway, serious erosion problems result. Maintenance of roads is necessary to maintain them in good condition and reduce flood and sediment damage. The following roads are in need of periodic maintenance:

Owyhee #2003  
Twin Valley Springs #2006  
North Fork Little Humboldt  
#2037 and #2038  
Oregon Border #2004  
Crowley Creek #2009  
Lone Willow #2002  
Rock Creek-Pole Creek #2008  
Log Cabin Creek #2023

Jordan Washburn #2065  
Jordan Meadows #2001  
Trout Creek #2040  
Nine Mile #2050  
Alder Creek (to Onion Res.) #2083  
Alta Creek (to Onion Res.) #2014  
Knott Creek #2014  
Jackson Creek to Sulphur #2049

In addition, there are several thousand miles of trails which are also in need of maintenance.

Support:

Support is necessary to conduct an annual, maintenance inventory and maintenance program, and soil survey to determine soil erodibility of the roadbed.

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RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.5<sup>6</sup>

Overlay Reference

Step 1

Step 3

W 3.5

Multiple Use Analysis

MFP II

Roads and trails are the most significant contributors to erosion and sedimentation in the Resource Area. By using proper design and Best Management Practices, erosion can be reduced.

Multiple Use Recommendations

1. Accept the recommendation.

2. Initiate a public awareness program and develop a brochure on the road construction and use of water bars, turnouts and proper sloping road design.

Reasons

1. Roads and trails contribute significantly to erosion, if roads are to be used year round they must be designed, constructed and maintained to reduce erosion. Without the use of waterbars, and similar design features, ORV restrictions are necessary to protect the road and minimize erosion during inclement periods.

2. Through public awareness and with the help of this brochure it is hoped that positive action will result. Miners would benefit from having good access to their claims and the public as a whole benefits from reduced erosion, and less vehicle wear and tear while enjoying their public lands.

Support

Soil Survey  
Operations  
Public Affairs  
All Specialists  
Cadastral Survey  
ATROW

Time Frame and Funding Requirements (Manpower)

FY 82 Initiate 2 year rotation on high use roads and 5 year rotations on low use roads for maintenance.

MEP III  
DISTRICT MANAGER'S DECISION

Reduce flood and sediment damage which is sustained by roads and trails through an active maintenance program employing the use of redesign, blading, graveling, water barring, spur ditching, and/or installing of culverts on Bureau roads and through proper stipulation requirements on non-Bureau road right-of-way applications. This will be included in the district standard operation procedures.

The actions will be in accordance with the Interim Management Policy for areas under wilderness review.

Rationale

Poor road condition or lack of maintenance has contributed to deterioration of watershed conditions. Maintenance of roads is necessary to maintain them in good condition and reduce flood and sediment damage.

Support

ATROW

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Name (MFP)

Paradise-Denio

Activity

Watershed 3.6<sup>7</sup>

Overlay Reference

Step 1

Step 3

Recommendation: W-3.6

MFP 1

Improve desirable watershed cover primarily in the big sagebrush type through the use of prescribed burning to eliminate big sagebrush overstory and enhance the understory vegetation.

Rationale:

Certain invading shrub species, such as big sagebrush, are known to invade into other types and suppress the desirable understory vegetation.

According to .45 Watershed section of the Paradise and Denio URAs, fire occurring during the spring or late fall when moisture levels in soil and vegetation are high will not seriously damage the understory vegetation; but will kill undesirable overstory vegetation. Therefore, prescribed burning should be employed where sufficient understory is present to maintain acceptable cover after the overstory has been removed.

Additional inventory of suitable sites is required to identify potential sites for prescribed burning.

Support:

Support is required from fire management both in the planning and implementation stages and from range to provide rest from livestock until vegetation has sufficiently recovered.

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Name (MFP)

Paradise-Denio

Activity

Watershed 3.6<sup>7</sup>

Overlay Reference

Step 1

Step 3

W 3.6

Multiple Use Analysis

Conflicts:

Cultural Resources 1.3 Through special protection from fire and cutting, preserve all Basque aspen carvings.

Cultural Resources 1.4 Provide special protection from fire to historical sites.

Forestry 1.2 Preserve curleaff mountain mahogany, limber and whitebark pine through an active fire suppression program.

Wildlife 1.1 Designate all crucial wildlife use areas as ACECs.

Wildlife Aquatic 1.3 Designate all riparian/stream areas as ACECs.

Recreation 1.2 Maintain fire protection on all historical, archeological and natural features (as listed).

Recreation 2.8 Fight all fires in the Pine Forest Closure with hand tools.

Recreation 6.1 Protect the aspen carvings from fire and cutting.

Recreation 6.3 Designate the Pine Forest Range and all riparian areas as ACECs.

Wilderness 1.4 Identify activities that jeopardize wilderness suitability.

Wilderness 2.3 Recommend that fire suppression within WSA be limited to hand tools and retardant flying equipment.

Complements:

Range 2 Increase existing allocatable livestock forage by artificial methods. The eradication of pockets of big sage brush that have a desirable understory, benefits wildlife, watershed, and recreation values.



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Name (MFP)

Paradise-Denio

Activity

Watershed 3.6<sup>7</sup>

Overlay Reference

Step 1

Step 3

W 3.6 (continued)

Multiple Use Recommendations

Reasons

MFP II

1. Accept the recommendation.

1. Fire is an effective and economical tool in sagebrush control.

2. Develop a fire management plan.

2. A fire management plan is essential for a burn to be beneficial and not add to the problem. The plan should be written for the whole resource area with prescribed burn plans to cover the sites selected for burning. It is essential that the area have a desirable understory, proper soils and list equipment and manpower necessary to meet the prescription.

3. Conduct a soil survey.

3. A soil survey is necessary to determine the erosion susceptibility of the soil. Although the fire is planned and will occur only when detailed conditions are met, some soil will not tolerate fire or the equipment necessary to control the burn.

Support

Fire Management

All Specialists

Soil Survey

Operations

Public Affairs

Cadastral Survey

Fire Training (for prescription fires - Burn Officer)

Time Frame and Funding Requirements (Manpower)

FY 82 Fire Management Plan

5 workmonths

FY 82-FY 87 Soil Survey 800,000 acres annually

40 workmonths, \$40,000

MFP III  
DISTRICT MANAGER'S DECISION

As suitable big sagebrush sites are identified with the potential for vegetation manipulation designed to improve desirable watershed cover, consider the use of prescribed burning to eliminate big sagebrush overstory and enhance the understory vegetation.

Rationale

The methods of prescribed burning in big sagebrush communities designed to improve vegetation conditions can be an effective management tool.

All vegetation manipulation will be part of an activity plan that has been developed through a coordinated planning effort.

Prescribed  
Fire

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.7 8

Overlay Reference

Step 1

Step 3

Recommendation: W-3.7

MFP I

Rehabilitate all areas ~~larger than 40 acres~~ which have had protective vegetative cover destroyed by wildfire. Treatment should be initiated on the ground within 90 days of the fire. Utilize seeding and other watershed stabilization techniques as required. Seed mixture should include native perennial grasses and/or species which are exotic but have previously been introduced into the ecosystem. Rehabilitation must be protected from grazing until adequate seedling establishment has been attained.

Rationale:

Wildfire consumes vegetative cover and causes the soil to be vulnerable to erosion by wind and water. Therefore, burned areas of significant size where cover has been destroyed must be reestablished with vegetation as soon as possible after the fire. Perennial grasses represent the most suitable watershed cover.

Some areas may not be feasible to seed because of soil limitation. Soil Survey is required to identify "seedability" of the area.

Support:

Support is required from all activities involved in the rehabilitation planning process.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.7

Overlay Reference

Step 1

Step 3

W 3.7

Multiple Use Analysis

No conflicts.

Complements:

Minerals 2.1 Eliminate hazards related to mining activities.

Wildlife 1.9 Initiate fire rehabilitation measures immediately following suppression in all wildlife use areas.

Fire 2.3 Develop a standard rehabilitation procedure for the resource area.

All areas that have been burned should be evaluated in a timely manner following a fire. A multiple disciplined team should determine what measures are necessary to rehabilitate the area.

Multiple Use Recommendations

Reasons

MFP II

1. Accept the recommendation but eliminate the acreage specified.

1. Not only fire but all disturbances that have removed the vegetative cover such as floods or landslides should be evaluated for rehabilitation.

2. Develop a rehabilitation procedure/plan for disturbance in the resource area which is in accord with the area's soils and climate.

2. The disturbed area should be evaluated regardless of size by a multiple discipline team and if necessary, prepare the required rehabilitation measures.

3. Conduct a soil survey for resource area.

3. Soils information is a the necessary part of any rehabilitation effort.

Support

All Specialists  
Operations  
Soil Survey  
Public Affairs

Time Frame and Funding Requirements (Manpower)

FY 81 Fire Rehabilitation Procedure Plan  
FY 82 - FY 87 Soil survey 850,000 acres annually, 40 workmonths &  
\$40,000

Note: Attach additional sheets, if needed

(Instructions on reverse)

Form 1600-21 (April 1975)

W 3.7

DISTRICT MANAGER'S DECISION

MFP III

Reject the recommendation. Make it a part of the District's standard operating procedure.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)  
Paradise-Denio

Activity  
Watershed

Overlay Reference  
Step 1 W-1 Step 3

Recommendation W 3.8

MFP 1

Prohibit any land treatment or disturbance activities which would completely remove or significantly reduce (by 50% or more) the amount of vegetative cover in areas designated as having (a) "high" erosion susceptibility or (b) "high" vegetal-soil factor.

Rationale:

Based on Order 3 soil survey conducted over approximately 8% of the planning area specific areas have been identified as having a "high" erosion susceptibility. This classification reflects considerable risks of accelerating the rate of erosion by water or wind should vegetative cover be completely removed or significantly reduced. The vegetal-soil factor is a rating which gives implications as to the levels of environmental concern, development and management potential of the land surface based on data derived from Phase I Watershed erosion inventory. Those areas rated as a "high" vegetal-soil factor are considered extremely sensitive to development. As such it is extremely important to retain the vegetative cover on areas of high erosion susceptibility or vegetal-soil factor to avoid accelerating soil loss.

It is assumed that 50% reduction of the vegetative cover constitutes a significant reduction.

Support:

Support for this recommendation must come from range in limiting location of range rehabilitation projects which would significantly reduce the existing vegetative cover, and lands in refraining from disposing of public lands which may have the existing vegetative cover removed or significantly reduced by subsequent private development, and from fire management to minimize destruction of vegetative cover from wildfire. The erosion susceptibility characteristic of the soil is much more reliable than the vegetal-soil factor because the former is derived from soil survey while the latter is derived from an extensive erosion inventory. Therefore, complete soil survey is needed to adequately determine erosion susceptibility over the planning area.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.3

Overlay Reference

Step 1

Step 3

W 3.8

Multiple Use Analysis

Conflicts

Lands 6.1 Designate utility right-of-way corridors.

Lands 7.1 Develop communication sites on public lands. Existing sites will be utilized wherever possible.

Minerals 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 3.2, 5.1, 6.1, 6.3, 6.4, 6.5  
Make no land use decisions that would interfere.

Ragne 2 Increase existing allocatable livestock forage by artificial methods.

Wild Horses and Burros 2.1 Establish a horse viewing area in the Bloody Run-Krum Hills Complex.

Wildlife 1.5 Improve the condition of meadows and riparian habitat for wildlife. Methods may vary but include fences, sprays, controlled burns and mechanical improvements.

Wildlife 1.10 Restrict firewood cutting to juniper types.

Wildlife 1.11 Protect crucial wildlife use areas. Protective measures may include vegetative manipulation and burning.

Fire 1.3 Utilize fire equipment to its maximum design capabilities.

The reduction of erosion from the public lands is desirable and consistent with multiple use programs. All Bureau activities and permitted activities must make every effort to use practices and designs which reduce erosion and its cause.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)

Paradise-Denio

Activity

Watershed 3.3

Overlay Reference

Step 1

Step 3

W 3.8 (continued)

Multiple Use Recommendations

Reasons

MFP II

1. Modify the recommendation to read: eliminate all surface disturbing activities and land treatments which would significantly reduce (by 50% or more) the amount of vegetative cover in areas identified as having a deteriorating erosion trend (SSF to increase by 10 or more points in 15 years), presently in critical or severe erosion condition (SSF greater than 60), having a high erosion susceptibility or high vegetal soil factor.

2. Conduct a soil survey for the Resource Area.

1. Each classification represents areas which if not protected will continue highly accelerated soil erosion. These areas are extremely sensitive to any development. These areas should be protected and proper watershed management practices used to stabilize the soil.

2. A soil survey will help to identify and provide the manager with information on what soils need special consideration so management practices can begin or adjusted to reduce erosion.

Support

All Specialists  
Operations  
Soil Survey

Time Frame and Funding Requirements (Manpower)

FY 82-87 Soil Survey 800,000 acres annually, 40 workmonths \$40,000



MFP III

DISTRICT MANAGER'S DECISION

WATERSHED

W 3.8

Carefully consider land treatments, prohibit disturbance activities, and consider denying land disposals which would result in a significant reduction (50% or more) in the amount of vegetative cover in areas designated as having "high" erosion susceptibility or "high" vegetal soil factor, unless such treatments or disturbance and the potential accelerating soil loss can be adequately mitigated through proper management or application of Best Management Practices.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN - STEP 1  
ACTIVITY OBJECTIVES

Name (MFP)
Paradise-Denio
Activity
Watershed
Objective Number
W-4

Objective:

Preservation of threatened, endangered or ecologically unique plant species and/or improvement of their habitats.

Rationale:

According to .34 Vegetation section of the Paradise and Denio URAs, the planning area harbors five species of plants which either have been formally proposed or are being strongly considered for proposed listing as threatened or endangered plants due to their relative scarceness and/or potential for extinction. Three others are now being classified as new species and are likely to be proposed for special status of either threatened or endangered at a later time. Other species in the planning area are considered ecologically unique because of their rarity in the planning area itself.

The continued preservation and possible improvement of the existing populations and habitats of these species must be considered in all public land management activities.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)  
Paradise-Denio

Activity  
Watershed

Overlay Reference  
Step 1 W-1 Step 3

Recommendation: W 4.1

MFP 1

Prevent any surface disturbing action which would result in the destruction of existing populations or potential habitat for any Federally listed or State listed endangered, threatened or sensitive plant, any plant proposed for such status or any ecologically unique plant. Establish the locations of occurrence of any such plants as Areas of Critical Environmental Concern.

Rationale:

.34 Vegetation section and .45 Watershed section of the Paradise and Denio URAs identify existing population of species which are proposed for Federally endangered or threatened status. Approximately 31,000 acres are considered to be potential or existing habitat for such species. Others have been identified at the District as ecologically unique to the planning area. Six thousand acres of mountain mahogany, 6,500 acres of aspen and cottonwood and 2,000 acres of limber and whitebark pine are considered to be ecologically unique.

It is Bureau policy to protect, conserve, and manage Federally and State listed or proposed listing of sensitive, endangered or threatened plants. Pending final listing, or delisting, all Federal or State proposed sensitive, endangered or threatened plant species must be afforded the full protection of the Endangered Species Act unless it is determined by the State Director on a case-by-case basis that information on the occurrence of a plant species is adequate to allow a specific action. Those species identified as ecologically unique should also be protected to prevent reduction and/or elimination of the species in the planning area. The rareness and significance of these natural ecosystems causes them to be in need of special designation of ACEC to prevent irreparable damage and/or loss.

Support

Support is necessary for the modification of any surface disturbing activity. Additional inventory is needed throughout the planning area to identify new species of plants considered endangered, threatened or ecologically unique, to extend ranges of habitation for possible delisting and to document biological and physiological characteristics of these plants. It is Bureau policy to inventory public lands as specified under subsection 201(a) to Federal Land Policy and Management Act and identify areas requiring special management consideration to prevent irreparable damage.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

MANAGEMENT FRAMEWORK PLAN  
RECOMMENDATION-ANALYSIS-DECISION

Name (MFP)	
Paradise-Denio	
Activity	
Watershed 4.1	
Overlay Reference	
Step 1	Step 3

W 4.1

Multiple Use Analysis

Conflicts:

Lands 1.1 Urban suburban land disposals (T. 47 N., R. 30 E., Sec. 3, 4, & 5 ASAI).

Lands 2.1 Agricultural land disposals (T. 43 N., R. 32 E., Sec. 29 & 32 CAUL; T. 44 N., R. 27 E., Sec. 28, 33, 34 ASAI; T. 37 N., R. 28 & 33 PSKI).

Lands 6.1 Designate utility corridors.

Minerals 1.1 Make no land use decisions that would interfere with mineral development.

Minerals 3.2 Develop community material sites for sand and gravel for all communities in the resource area.

Minerals 5.1 Make no land use decisions that would interfere with leasing and development of sodium and potassium.

Minerals 5.1 Make no land use decisions that would interfere with geothermal development.

Minerals 6.5 Make no land use decisions that would interfere with oil and gas development.

Range 2 Increase allocatable livestock forage by artificial methods.

Fire 1.3 Utilize fire equipment to its maximum design capabilities.

These plant species are presently proposed for the threatened and endangered list of the Fish and Wildlife Service. Botanists are doing field work to gather more information on these plants.

Paradise-Denio MFP III  
Watershed 4.1

As Currently Written:

Designate 60 acres in:

T. 38 N., R. 42 E., Section 6, N1/2SW1/4NE1/4, SW1/4NW1/4NE1/4, SE1/4NW1/4NE1/4, NE1/4NW1/4NE1/4, and  
T. 39 N., R. 42 E., Section 31, SE1/4NW1/4SE1/4.

as an Area of Critical Environmental Concern for the protection of the Osgood Mountains milk-vetch (Astragalus yoder-williamsii), an endangered plant species. Pursue a mineral withdrawal for this critical area.

Change To:

Designate 60 acres in:

T. 38 N., R. 42 E., Section 6, N1/2SW1/4NE1/4, SW1/4NW1/4NE1/4, SE1/4NW1/4NE1/4, NE1/4NW1/4NE1/4, and  
T. 39 N., R. 42 E., Section 31, SE1/4NW1/4SE1/4.

as an Area of Critical Environmental Concern for the protection of the Osgood Mountains milk-vetch (Astragalus yoder-williamsii), an endangered plant species.

Rationale:

The critical habitat of Osgood Mountains milk-vetch (Astragalus yoder-williamsii) requires special management consideration to prevent undue degradation of the habitat which would result in further jeopardy to this species. This species was listed as endangered by the U.S. Fish and Wildlife Service (FWS) on August 13, 1980 (see Federal Register Vol. 45:53968-53970), on an emergency listing. However, the listing expired on April 15, 1981. Efforts by the FWS are underway to establish a Memorandum of Understanding (MOU) between FWS and BLM in an effort to aid the conservation of the species. The MOU is an interim measure under the Endangered Species Act of 1973, as amended, in light of the complicated and lengthy process of formally listing the plant as a federally endangered species.

A withdrawal will not be pursued on the area. It is felt that ACEC designation will provide the management necessary to protect this sensitive area.

Access to the Richmond and Alpine deposits will not be restricted. The existing haulage road will not be affected by the ACEC designation.

Persons-Organizations That Have Protested This Decision:

Joseph V. Tingley, University of Nevada-Reno, Reno, Nevada.

Multiple Use Recommendation

Prevent any surface disturbing action which would result in the destruction of existing populations or habitat for any Federally or State listed endangered, threatened or sensitive plant, plant proposed for such status or any ecologically unique plant. Establish the locations of occurrence of such plants as Areas of Critical Environmental Concern.

Rationale

The recommendation is consistent with the Endangered Species Act and FLPMA Sec. 201 (a). Species listed serve unique ecological and scientific niche. The Bureau has authority and means to provide these species the protection and any management necessary to protect them. Also, the species listed for the Resource Area are being proposed while botanists conduct additional field work to ascertain their population (density) and distribution.

Multiple Use Recommendation

Conduct an inventory to determine locations and habitat conditions.

Rationale

An inventory is necessary to determine the locations of existing or potential habitats (vegetation types) where these species occur so that protection and management can be assured or information supplied in support of delisting or listing a particular species. This inventory should include a literature search and field study to determine these plants' biological and physiological requirements.

Support

All Specialists  
T & E Plant inventory

Time Frame and Funding Requirements (Manpower)

FY 82 3 NTE positions and \$30,000  
Same for FY 83, 84, and 85.

MFP III DISTRICT MANAGER'S DECISION

Designate 60 acres in:

T. 38 N., R. 42 E., Section 6, N1/2SW1/4NE1/4, SW1/4NW1/4NE1/4,  
SE1/4NW1/4NE1/4, NE1/4NW1/4NE1/4, and  
T. 39 N., R. 42 E., Section 31, SE1/4NW1/4SE1/4,

as an Area of Critical Environmental Concern for the protection of the Osgood Mountains milk-vetch (*Astragalus yoder-williamsii*), an endangered plant species. Pursue a mineral withdrawal for this critical area.

Rationale

The Critical Habitat of Osgood Mountains milk-vetch (*Astragalus yoder-williamsii*) requires special management consideration to prevent undue degradation of the habitat which would result in further jeopardy to this species. This species was listed as endangered by the U.S. Fish and Wildlife Service (FWS) on August 13, 1980 (see Federal Register Vol. 45:53968-53970), on an emergency listing. However, the listing expired on April 15, 1981. Efforts by the FWS are underway to establish a Memorandum of Understanding (MOU) between FWS and BLM in an effort to aid the conservation of the species. The MOU is an interim measure under the Endangered Species Act of 1973, as amended, in light of the complicated and lengthy process of formally listing the plant as a federally endangered species.



AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)

PLAN ELEMENT

1. Name: Critical Habitat of the Osgood Mountains milk-vetch (Astragalus yoder-williamsii).
2. Management Objectives: The Critical Habitat of Osgood Mountains milk-vetch requires special management consideration to prevent undue degradation of the habitat which would result in further jeopardy to this species. This species was listed as endangered by the U.S. Fish and Wildlife Service (FWS) on August 13, 1980 (see Federal Register Vol. 45:53968-53970), on an emergency listing. However the listing expired on April 15, 1981. Efforts by the FWS are underway to establish a Memorandum of Understanding (MOU) between FWS and BLM in an effort to aid the conservation of the species. The MOU is an interim measure under the Endangered Species Act of 1973, as amended, in light of the complicated and lengthy process of formally listing the plant as a federally endangered species.

3. Descriptions:

- A. Overview: This ACEC incorporates the Critical Habitat of the Osgood Mountains milk-vetch. This habitat contains approximately 60 acres of public lands administered by the Bureau of Land Management. It lies on the ridge line of the northern Osgood Mountains in eastern Humboldt County, Nevada, within the boundaries of the Paradise Planning Unit of the Winnemucca District. This ridge line forms the boundary between the Eden Valley (to the west) and Osgood (to the east) livestock grazing allotments. The legal location of the proposed ACEC is as follows:

Mt. Diablo Base & Meridian

T. 38 N., R. 42 E., Section 6, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
T. 39 N., R. 42 E., Section 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

This species of milk-vetch is known from only one other location, that being in southern Owyhee County, Idaho. Only ten plants were observed at that site at the time of collection in 1977 and the actual site has not been relocated. The Osgood Mountains population possesses only about 500 individuals on a very limited area. The species appears to be restricted to granodiorite parent material of windy exposed ridges. Although the actual nature of restriction is not well elucidated, the species does appear to be extremely limited in its distribution. Extensive field searches of similar habitats by a qualified BLM botanist in adjacent mountain ranges have proved fruitless.

The primary pollinator of the milk-vetch at the Osgood Mountains site is a bee of the genus Osmia, possibly O. nifoata, a species occurring in the western U.S. from Colorado west to California. The sensitivity of the pollinator and its nesting sites to disturbances such as pesticide control programs needs to be studied.

Past activities have occurred in the habitat which resulted in the loss or perturbation of necessary habitat. This included the establishment of an allotment boundary fence line built by the Bureau of Land Management, the construction of roadways through the population, and mining assessment bulldozer cuts. In order to prevent future such damage, the designation of this Critical Habitat as an ACEC will guarantee careful planning before future work is undertaken.

#### B. Relevance

It is relevant to designate this Critical Habitat as an ACEC as it is an area within public lands where special management is required to protect or prevent irreparable damage to a natural system or process. The system in this case is the environment of the Osgood Mountains milk-vetch, Astragalus yoder-williamsii, and its habitat.

C. Importance

This area has more than local significance in that it comprises the largest known occurrence of this plant species, and due to the endangerment of the species, there is a significant "cause for concern" to manage this area in such a manner that further perturbations do not occur.

The habitat has received considerable damage in the past from conflicting land uses as roadway construction, mining assessment work, and fence construction for livestock control. Future disturbance is possible from road improvement which could infringe on the existing habitat, as could surface disturbance from additional mining exploration and assessment work or fence maintenance. Potential conflict also exists from off-road vehicle use of accessible portions of the plant's habitat. Without special management attention, loss of this species from any or all of these activities would be likely.

4. Special Management Requirements

A. Description of Special Management

- (1) No collections of this species will be allowed without special approval of the BLM State Director and special permit from the U.S. Fish and Wildlife Service. If populations levels drop below 250 individuals, all collecting will be prohibited. The species has been proposed for addition to the State of Nevada plant protection law (NRS 527.270).
- (2) Off-road vehicle activity will be closed in the Critical Habitat Area. This will include off-road traffic in conjunction with maintenance of the existing fenceline, prospecting, or recreation.

- (3) An existing temporary withdrawal from the mining laws of the of the Critical Habitat Area has been established and will remain in effect pending final ACEC designation or until the withdrawal expires on February 5, 1983. When the ACEC designation is finalized, protection of the site from mining related disturbances should be avoided by the need to file a plan of operations, regardless of surface disturbance acreage, due to the ACEC designation as required under 43 CFR 3809. If it is felt that these regulations will not provide adequate protection with the ACEC designation, then the temporary withdrawal shall remain in effect, and a permanent withdrawal will be pursued. Otherwise, the temporary withdrawal will be allowed to lapse at the end of the segregation period.

Presently, there is a proposed change (see reference #7) in the 3809 mining regulations which would have the effect of weakening the protection provided for designated ACECs. This change if finalized would no longer allow BLM to require a mining plan of operations for disturbance of less than five acres per year (only a mining notice would be required), nor could a bond be required under a mining notice.

- (4) Maintenance of the existing roadway shall be restricted to the immediate road itself with no expansion into undisturbed areas or road shoulders.

B. Types of Future Uses, Activities, or Management Practices

- (1) Use of non-selective wide-spectrum insecticides will be prohibited within a five-mile radius of this site to prevent potential irreparable damage to the pollination systems of this species. Research on the pollinator systems will be encouraged in order to define the risk involved in application of insecticides in the vicinity of this plant.

- (2) No herbicide or mechanical shrub control techniques will be used within two miles of the ACEC. Accidental poisoning of the site could occur with permanent damage as well as serious perturbation of the natural ecosystem.
- (3) Current grazing levels appear to have no serious impact to the population. If future trends indicate damage to the habitat, changes will be necessary.
- (4) Range fire is not expected to be a threat to the population. However fire suppression activities, such as fire line construction, will not be permitted within the habitat. Likewise, no reseeding should be performed in the habitat or immediately adjacent to it. Fencing of the habitat to allow for normal regeneration should be employed in such an event.
- (5) Any relocation of the existing fence will be carefully evaluated before any action is taken.
- (6) Provided funding and manpower are available the following monitoring and surveillance activities will be conducted:
  - (a) The Critical Habitat will be visited once each month excluding the winter months when snow blocks the road. Occasionally it will be possible to fly over the site during other uses of aircraft.
  - (b) A permanent plot (3' X 50') has been established in the Critical Habitat for long term monitoring of population fluctuations. Population size has been sampled in this plot in 1979 and 1980. An additional four plots will be established in November 1980. Plots will be surveyed annually in July.

- (c) Cover estimates will be made in the five population plots annually. A point frame device will be used at one foot intervals in each plot. Percent cover of each species in the plot will be recorded as well as percent of bare soil and rock. Annual reports will be compared to observe increases or decreases in vegetation cover or species frequency.
- (d) An evaluation of the grazing pressure in the Critical Habitat will be made using data gathered in the vegetation structure studies. Consultation will be made with range personnel to assess intensity of grazing. Visual estimation of grazing on individuals of A. yoder-williamsii will be made at time of plot sampling and elsewhere in the population at two-month intervals during the growing season.
- (e) Occasional sampling of pollinators will be made during the flowering period of A. yoder-williamsii. Collections made in 1980 have been sent for identification. Evidence of unique pollinators is hoped to be elucidated by these collections.
- (f) Observations will be made in the later part of the growing season to determine percent seed set and maturation of fruit. Evidence of predation will be recorded and attempted to be quantified.

(7) Posting of Area

Posting of the site is not anticipated at this time since posting might be a source of antagonism rather than an aid to preservation. This measure may be initiated should subsequent evaluation indicate a need.

- (8) Small plot fencing of the site is currently being evaluated to determine suitability of fencing larger portions of the population.
- (9) Any Coordinated Resource Management Planning (CRMP) conducted for this geographic area will consider the management of this species and this ACEC designation.

C. References, Maps, and Other Documentation

- (1) Status Report of Astragalus yoder-williamsii prepared by M. P. Yoder-Williams, on file in Winnemucca District Office.
- (2) Map of the Critical Habitat/ACEC within the past and existing mining claims.
- (3) Photographs of the species and view of the habitat.
- (4) Type publication, Brittonia 32:30-32, 1980.
- (5) Federal Register 45:53968-53970.
- (6) Federal Register 46:11369, Proposed Withdrawal.
- (7) Federal Register Vol. 47 No. 55/Monday, March 22, 1982, Proposed Rules - Surface management of unpatented mining claims affecting special management category lands.

5. Public Comment: Comment has been received expressing concern that protection of the habitat of this species in the Osgood Mountain will impair mining activity there. The Nevada Governor's Office of Planning Coordination has requested a public hearing prior to initiation of a permanent land withdrawal. Other comment from the Nevada Division of Forestry expressed need to protect the habitat. The two major mining concerns affected have stated that they do not believe their operations will have an impact on this species and feel they can work with the Bureau on preservation of this species.

Copies of all correspondence are retained in the Winnemucca District files (4510).

public and government involvement, and public hearing requirements.

The permit program portion of the NAP for ozone contains one major deficiency in El Dorado County, the lack of definitions for key terms, and several minor deficiencies with respect to Section 173. For El Dorado County, EPA proposes to conditionally approve the program with the understanding that the major deficiency will be corrected before final rulemaking. For Placer County, EPA is proposing to conditionally approve the permit program and incorporate it into the SIP, with the condition that the deficiencies be corrected by a specified deadline.

Upon final rulemaking these actions would result in an overall conditional approval of the NAP for ozone and would remove the current prohibition on construction of certain major new or modified sources in these nonattainment areas. This prohibition is required by the Clean Air Act and is discussed in detail in the July 2, 1979 Federal Register notice (44 FR 38471).

For further information, see the supplements to EPA's General Preamble. Regulatory Process

Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in ADDRESSES Section of this notice.

EPA may proceed to final rulemaking without providing further opportunity for public comment if the major deficiency in the permit program is corrected as specified in this notice.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major". Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities". This regulation is not "major" because it approves state and local actions and imposes no new requirements. For the same reasons I hereby certify that the action will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 12291, this regulation was submitted to the Office of Management and Budget (OMB) for review.

Authority: Sections 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7509, and 7601(a)).

Dated: November 30, 1981.

Sonia F. Crow,

Regional Administrator.

Reg. 02-7012 Filed 3-14-82, 9:45 a.m.

BILLING CODE 6560-38-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 3800

#### Surface Management of Unpatented Mining Claims Located on the Public Lands; Amendments Affecting Special Category Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

**SUMMARY:** This proposed rulemaking is designed to lessen the burden on mining claimants having mining claims within designated special category lands by removing the requirement for a plan of operations within those areas. The amendment will reduce the burden on certain mining claimants and will, at the same time, maintain a mechanism for providing adequate protection for the special category lands.

**DATE:** Comments should be received by May 6, 1982.

**ADDRESS:** Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Eugene Carlat (202) 343-8537

or  
Robert C. Bruce (202) 343-8735

**SUPPLEMENTARY INFORMATION:** After careful review of the regulations in 43 CFR Subpart 3809—Surface Management of Unpatented Mining Claims Located on the Public Lands—it has been determined that the requirement for filing of a plan of operations for all activities in the areas designated as special category lands was an unnecessary burden on the affected public. The proposed rulemaking would make the five acre threshold apply uniformly to all operations on Federal lands. The amendment would allow the authorized officer an additional 15 days to determine if the proposed operations are appropriate under a notice and to identify and provide protection to special resource values which may occur in such areas. The amendment would also make a few changes in the description of what constitutes special category lands.

The amendment clarifies a point that was not clearly stated in the existing regulations. In keeping with the Congressional mandate to the Secretary

of the Interior in section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732), prevention of undue and unnecessary degradation of the public lands was one of the primary functions of the existing regulations. However, the regulations did not clearly state that the failure to prevent undue or unnecessary degradation could be the basis for filing a notice of non-compliance against an operator. The amendment would add language making failure to prevent undue or unnecessary degradation a basis for filing a notice of non-compliance.

Finally, the provision for a nationwide bond for operations under the regulations would be deleted. Experience under the regulations has shown that there is no need for this provision. Operations covered by these regulations are small and are generally confined to a small area, usually in one state.

Editorial changes and technical corrections have been made as necessary.

The principal author of this proposed rulemaking is Eugene Carlat, Division of Minerals and Geothermal Resources, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. (2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

The information collection requirements contained in 43 CFR Subpart 3809 have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Under the authority of section 2319 (30 U.S.C. 22) and 2478 (43 U.S.C. 1201) of the Revised Statutes and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), it is proposed to amend Part 3800, Group 3800, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:



# **PART 3800—LANDS AND MINERALS SUBJECT TO LOCATION**

## **§ 3809.0-5 [Amended]**

1. Section 3809.0-5 is amended by:

- a. Amending paragraph (b) by removing the words "or limited"; and
- b. Amending paragraph (k) by inserting in the last sentence of the paragraph immediately after the phrase "Wild and Scenic Rivers," the phrase "areas designated as part of the National Wilderness System administered by the Bureau of Land Management".

## **§ 3809.1-3 [Amended]**

2. Section 3809.1-3 is amended by:

- a. Revising paragraph (a) to read:  
(a) All operators on project areas whose operations, including the construction of access routes across federal lands to the project area, cause a cumulative surface disturbance of 5 acres or less during any calendar year shall notify the authorized officer in the District office of the Bureau of Land Management having jurisdiction over the lands in which the claim(s) or project area is located. Prior to conducting additional operations under a subsequent notice covering substantially the same ground, the operator shall have completed to the satisfaction of the authorized officer, reclamation of the area disturbed under previous notice. Notification of such

activities shall be by written notice or letter at least 15 calendar days before commencing operations, except that a notice shall be made 30 calendar days before commencing operations in the following described special category lands:

- (1) California Desert Conservation Area;
  - (2) Areas designated for potential addition to or an actual component of the National Wild and Scenic Rivers System;
  - (3) Designated areas of critical environmental concern;
  - (4) Areas designated as part of the National Wilderness System under the jurisdiction of the Bureau of Land Management;
  - (5) Areas withdrawn from operations of the mining laws in which valid existing rights are being exercised; and
  - (6) Areas designated as closed to off-road vehicle use as defined in subpart 8340 of this title.
- b. Amending paragraph (b) by removing the phrase "under § 3809.1-3(c) of this title when the construction of access routes are involved"; and
  - c. Revising paragraph (f) to read:  
(f) Failure of the operator to prevent undue or unnecessary degradation or to complete reclamation to the standards described in this subpart shall cause the operator to be subject to a notice of noncompliance as described in § 3809.3-2 of this title.

3. Section 3809.1-4 is revised to read:

## **§ 3809.1-4 Plan of operations—when required.**

An approved plan of operations is required prior to commencing operations which exceed the disturbance level (5 acres) described in § 3809.1-3 of this title.

## **§ 3809.1-9 [Amended]**

4. Section 3809.1-9(d) is amended by removing the phrase "or nationwide".

## **§ 3809.2-1 [Amended]**

5. Section 3809.2-1(c) is amended by removing the phrase "is § 3809.1-6" and replacing it with the phrase "in § 3809.1-6".

## **§ 3809.2-2 [Amended]**

6. Section 3809.2-2(e)(2) is amended by adding at the end the phrase "after notification to the authorized officer of such discovery."

## **§ 3809.4 [Amended]**

7. Section 3809.4(b) is amended by inserting after the phrase "within 30 days after the date of" the phrase "receipt of".

Dated: November 30, 1981.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

(FR Doc. 82-7815 Filed 3-19-82; 8:45 am)

BILLING CODE 4310-84-M

## Memorandum of Understanding (MOU)

The species involved in this agreement has been recognized as a locally significant species faced with extinction. This agreement has been initiated and will be carried out in an effort to aid in the conservation of the species involved. This is an interim, conservation measure under the Endangered Species Act of 1973, as amended.

### I. Species Involved:

Astragalus yoder - williamsii - Osgood Mountain milk-vetch (Nevada population)

### II. Involved Parties:

U.S. Fish and Wildlife Service (FWS), 4620 Overland Road, Room 209, Boise, Idaho 83705 and the Bureau of Land Management (BLM), 300 Booth Street, Reno, Nevada 89520.

### III. Two actions to be accomplished for A. yoder - williamsii through this MOU:

- A. Recognition by BLM and FWS of the significance of this species whose continued survival is in jeopardy; and
- B. Efforts will be made by BLM to remove the threats facing the species.

Recognizing their obligations under the Endangered Species Act of 1973, the BLM will develop and implement operating guidelines to protect A. yoder - williamsii, as outlined in species management documents.

### IV. Status and Distribution of the Species:

A. yoder - williamsii is known only from eastern Humboldt County in northern Nevada and from Owyhee County in southwestern Idaho. It was first collected in 1977 and was recognized as a new species from a second collection in 1979. It was formally named and described as a new species in 1980 (Barneby 1980). It is found on exposed ridge crests and flat plateaus of decomposed granite gravel or sandy soil, derived from granodiorite parent material, at elevations of 1890-2230 meters. The populations in the northern Osgood Mountains, Nevada, are estimated to number about 500 individual plants. Searches undertaken in 1979 and 1980 for other populations of the species in both states have been unsuccessful. Both populations are on land managed by the BLM.

V. Problems Facing the Species:

- A. The present or threatened destruction, modification, or curtailment of its habitat or range.

This species appears to be restricted to a few granodiorite outcrops in northcentral Nevada and southwestern Idaho. The larger population, within 20 acres of BLM land in eastern Humboldt County, Nevada, is located east of Soldier Cap and southwest of the Gatchell Mine in the northern Osgood Mountains. The population was within the boundaries of a private corporation's mining claim which was filed in 1974. The claims lay on low-grade deposits of tungsten and gold ore. The ore deposits are immediately to the west and north of this population of the species.

Considerable mining excavations occur within one mile of the population, a road and a branching side road pass through the population, and bulldozing associated with 1974 mining assessment has been made in the species' habitat (Yoder-Williams, 1980). Considerable care will be necessary to avoid further damage to the species in any assessment work and development of any new mining claims.

Because of economic constraints in the mining industry, mining was stopped in 1980, and the claims were voluntarily dropped on December 31, 1980. The BLM decided to propose temporary withdrawal of the site from mineral entry, which will provide a measure of temporary protection until February 5, 1983 (Heller, January 14, 1981). A permanent withdrawal would eliminate any mining activity. As the regulations stand now, an Area of Critical Environmental Concern (ACEC) designation, would protect the habitat. Any proposed disturbance would require a plan of operations and an opportunity for BLM to become involved in conservation measures.

- B. Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it. Not applicable to this species.
- C. Disease or predation. Grazing has occurred on the species' habitat. This grazing does not appear to threaten the species.
- D. Absence of regulatory mechanisms adequate to prevent decline of the species or degradation of its habitat. No long-term State or Federal laws protect this species. Recently the only legal protection for the species was a Federal emergency rule which expired April 15, 1981. The BLM intends to withdraw the Nevada habitat from mineral entry. The BLM also plans to designate it as an Area of Critical Environmental Concern, under the Federal Land Policy and Management Act of 1976 (P.L. 94-579), Section 102(a) (43 CFR 1714). The Endangered Species Act of 1973, as amended, offers additional possibilities for protection of A. yoder - williamsii. The species has been proposed for state listing as a critically endangered plant (NRS 527.270). This should provide additional protection although enforcement of the statute may be difficult.

- E. Other natural or man-made factors affecting its continued existence. Any human pressure on this species may exaggerate the natural population fluctuations. Pesticide spraying programs by the U.S. Department of Agriculture upwind from the population site could be a problem. One pollinator for A. yoder - williamsii is a bee, originally thought to be an undescribed species of Osmia. The Osmia sp. originally collected turned out to be a common variety. However, more research needs to be done regarding pollinators of the plant species to determine if there may be rare pollinators. Since some spraying programs have been known to kill bees up to five miles away, they represent a possible threat to A. yoder - williamsii through damage to a pollinator of the species. Critical habitat publicity could create a vandalism threat and promote exploration of the area.

VI. Proposed Conservation Actions:

BLM will prepare species management documents which will outline conservation measures for A. yoder - williamsii. Contingent upon current funding, manpower, and current administration policy, measures may include, but not be limited to, the following:

1. Proposed conservation recommendations.
2. Cooperative agreements with mining interests to avoid damage to the habitat of this species.
3. Possible joint stewardship of the land with a private or state conservation agency may affect protection.
4. Designation of the area as an Area of Critical Environmental Concern.
5. Proposition to withdraw the area from mineral entry.
6. BLM organization or sponsorship of an annual survey to monitor the health of known populations of A. yoder - williamsii.
7. Encouragement of research personnel to develop basic information on the ecological life history of the species as an aid in developing mitigation procedures.
8. Documentation of known habitats of A. yoder - williamsii on a series of maps on file in the BLM office; review of new programs that might impact these habitats (if potential conflicts exist, botanical scientists will be called in for guidance); and marking population centers of A. yoder - williamsii to minimize or prevent inadvertant damage by personnel unaware of the sensitive nature of the habitat.

(FWS will have an opportunity to comment upon, and concur with information presented in the species management documents).

VII. Duration of Agreement:


The duration of this MOU is for two years following the date of the last signature. During the twelfth and twenty-fourth month after the last signature's date, or if conditions change, FWS and BLM will review this MOU and the subsequent species management documents and determine if either or both need revising. An evaluation also will be made to determine whether or not these actions are protecting the survival of A. yoder - williamsii. When, and if, it becomes known that these actions or other threats are affecting the survival of A. yoder - williamsii, action may be initiated to list this species according to Section 4 of The Endangered Species Act, as amended.

VIII. Project Offices:

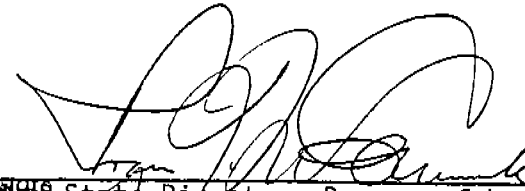
L. A. Mehrhoff  
Area Manager  
U.S. Fish and Wildlife Service  
4620 Overland Road, Room 238  
Boise, Idaho 83705

Edward F. Spang  
State Director  
Bureau of Land Management  
300 Booth Street  
Reno, Nevada 89520

IX. Signatures:

  
\_\_\_\_\_  
Area Manager, U.S. Fish and Wildlife Service

4 June 1982  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Associate State Director, Bureau of Land Management

July 9, 1982  
\_\_\_\_\_  
Date